

## Message Text

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C O N F I D E N T I A L STATE 127478

LIMDIS FROM EUR/EE

E.O. 11652: GDS

TAGS: SHUM, RO

SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLANS

1. THE DEPARTMENT HAS RECENTLY INSTITUTED A BROADSCALE EFFORT, LED BY THE DEPUTY SECRETARY, TO IMPLEMENT THE ADMINISTRATION'S HUMAN RIGHTS POLICY AS EFFECTIVELY AS POSSIBLE IN THE FULL RANGE OF U.S. DIPLOMATIC ACTIVITIES. THIS EFFORT, WHICH IS TO INVOLVE ALL RELEVANT BUREAUS OF THE DEPARTMENT AND ALL U.S. POSTS ABROAD, IS PREMISED UPON THE COMPREHENSIVE STATEMENT OF POLICY SET FORTH IN THE SECRETARY'S LAW DAY SPEECH AT ATHENS, GA., ON APRIL 30, TEXT OF WHICH POSTS HAVE RECEIVED.

2. ONE OF THE PRINCIPAL COMPONENTS OF THIS BROAD IMPLEMENTATION EFFORT IS THE DEVELOPMENT OF SPECIFIC PROPOSED COURSES OF ACTION WITH RESPECT TO EACH COUNTRY. THESE INDIVIDUAL COUNTRY ACTION PLANS ARE TO ENABLE US TO DETER-  
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MINE WHERE WE SHOULD CONCENTRATE OUR ATTENTION.

3. POSTS WILL SOON BE RECEIVING A CIRCULAR CABLE, BEING COORDINATED BY S/P AND THE OFFICE OF THE DEPARTMENT'S COORDINATOR FOR HUMAN RIGHTS (D/HA), WHICH IS TO PROVIDE "QUESTIONS AND ANSWERS" ON HUMAN RIGHTS AND OTHER BACKGROUND INFORMATION, AND WHICH ALSO WILL REQUEST ALL

POS TO PROVIDE SPECIFIC RECOMMENDATIONS ON HOW THE U.S.  
POSTS TO PROVIDE SPECIFIC RECOMMENDATIONS ON HOW THE U.S.

CAN HELP PROMOTE HUMAN RIGHTS IN THE HOST COUNTRY OR WORK WITH THE HOST COUNTRY TO FURTHER HUMAN RIGHTS ELSEWHERE.

4. IN THE MEANTIME, EUR AND ALL OTHER REGIONAL BUREAUS HAVE BEEN REQUESTED TO DRAW UP INDIVIDUAL COUNTRY ACTION PLANS FOR EACH COUNTRY COVERED BY THE BUREAU. THESE PLANS ARE TO DESCRIBE THE CURRENT CONDITION OF HUMAN RIGHTS, THE EXTENT OF VIOLATIONS, THEIR FREQUENCY AND INTENSITY, AND THE POLICIES AND ATTITUDES OF THE HOST GOVERNMENT. THE PLANS, WHICH ARE TO INCORPORATE SUGGESTIONS FROM THE FIELD, ARE TO INCLUDE SPECIFIC RECOMMENDATIONS FOR U.S. ACTION DURING THE NEXT SIX MONTHS AND SHOULD BE UPDATED EVERY SIX MONTHS, OR MORE FREQUENTLY, IF NEW DEVELOPMENTS SO REQUIRE. THE DEPUTY SECRETARY HAS REQUESTED THAT THE ACTION PLANS PAY PARTICULAR ATTENTION TO PROPOSING POSITIVE WAYS TO FOSTER HUMAN RIGHTS.

5. EUR/EE HAS PREPARED INITIAL DRAFT ACTION PLANS FOR EACH OF OUR COUNTRIES, BASED ON INFORMATION AVAILABLE HERE AND FOLLOWING A STANDARD FORMAT WHICH HAS BEEN DISTRIBUTED THROUGHOUT THE DEPARTMENT BY D/HA FOR THIS PURPOSE. (SEP-TEL WILL PROVIDE TEXT OF THIS STANDARD FORMAT FOR YOUR INFORMATION AND USE.) TEXT OF OUR DRAFT PLAN, WHICH IS PRELIMINARY AND DOES NOT RPT NOT HAVE EUR SIXTH FLOOR CLEARANCE, FOLLOWS.

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6. ACTION REQUIRED. WE REQUEST EMBASSY'S ADDITIONS AND COMMENTS ON DRAFT PLAN, AND -- MOST IMPORTANTLY -- SUGGESTIONS FOR ACTIONS WE CAN EFFECTIVELY UNDERTAKE BILATERALLY DURING THE COMING SIX MONTHS AND BEYOND. SINCE WE ARE WORKING UNDER A VERY TIGHT DEADLINE, WE WILL REQUIRE POST'S RESPONSE NO LATER THAN COB JUNE 7.

7. BEGIN DRAFT TEXT. A. CONDITION OF HUMAN RIGHTS IN ROMANIA. 1. INTEGRITY OF THE PERSON: SINCE THE EARLY 1950'S, A GOOD MEASURE OF PERSONAL SECURITY AND LEGAL REGULARITY HAS RETURNED TO ROMANIAN LIFE, AND THE GROSSER FORMS OF MASS TERROR AND INTIMIDATION HAVE BEEN REPLACED BY "SOCIALIST LEGALITY." IN ROMANIA, THIS MEANS THAT A CITIZEN WHO WORKS HARD AND SUPPORTS THE REGIME'S POLICIES NEED NOT FEAR PERSECUTION OR HARASSMENT. THOSE WHO PUBLICLY QUESTION ROMANIAN POLICIES, HOWEVER, MAY BE SUBJECT TO REPRISALS SUCH AS LOSS OF DESIRABLE JOBS OR HOUSING, AND THOSE WHO OPENLY OPPOSE THE REGIME, WHICH HAPPENS RARELY, ARE LIKELY TO INCUR HARSHER PENALTIES.

TORTURE IS NOT COMMONLY USED OR CONDONED. THE PENAL SYSTEM, SO FAR AS WE CAN DETERMINE, ROUGHLY MEETS HUMANE STANDARDS. CAPITAL PUNISHMENT IS RETAINED FOR A VAR-

IETY OF CRIMES, INCLUDING ECONOMIC CORRUPTION. PUNISHMENT ALSO OFTEN TAKES THE FORM OF ENFORCED LABOR AT CONSTRUCTION SITES OR PLANTS. CASES OF ARBITRARY ARREST OR DETENTION HAVE ON OCCASION COME TO OUR ATTENTION, BUT FOR THE MOST PART POLICE AUTHORITIES, PROSECUTORS AND JUDGES ADHERE TO PROCEDURES ESTABLISHED BY LAW. SEARCH AND SEIZURE IS LEGALLY REGULATED.

ON MAY 8, 1977, PRESIDENT CEAUSESCU ANNOUNCED AN AMNESTY ON THE COUNTRY'S CENTENNIAL WHICH RELEASED 19,000 PERSONS FROM PRISON AND BENEFITTED 9,500 OTHERS.

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2. CIVIL AND POLITICAL LIBERTIES (A) FREEDOM OF THOUGHT, RELIGION AND ASSEMBLY. FREEDOM OF SPEECH, PRESS AND ASSEMBLY ARE GUARANTEED BY THE ROMANIAN CONSTITUTION, WHICH ADDS, HOWEVER, THAT THESE FREEDOMS CANNOT BE USED TO OPPOSE THE SOCIALIST SYSTEM OR THE INTERESTS OF THE WORKING PEOPLE. THE CONSTITUTION ALSO STATES THAT "ANYONE IS FREE TO SHARE OR NOT TO SHARE A RELIGIOUS BELIEF" IN A "FREELY ORGANIZED" DENOMINATION. IN PRACTICE, THE ROMANIAN GOVERNMENT HAS BEEN RELATIVELY TOLERANT OF RECOGNIZED RELIGIOUS DENOMINATIONS, ESPECIALLY THE ROMANIAN ORTHODOX CHURCH. THE STATE CLOSELY CONTROLS RELIGIOUS AFFAIRS THROUGH THE MINISTRY OF CULTS, HOWEVER, AND EVANGELISM AND PROSELYTIZING ARE FORBIDDEN. THE GOVERNMENT ACTIVELY PROMOTES "SCIENTIFIC ATHEISM" THROUGH THE SCHOOLS AND THE MEDIA, AND OPEN PROFESSION OF RELIGIOUS BELIEF IS LIKELY TO PREJUDICE AN INDIVIDUAL'S EDUCATIONAL, PROFESSIONAL AND POLITICAL OPPORTUNITIES. (B) FREEDOM OF MOVEMENT, FOREIGN TRAVEL AND EMIGRATION. FREEDOM OF MOVEMENT (I.E. TEMPORARY TRAVEL) WITHIN ROMANIA IS NOT RESTRICTED, BUT RESIDENCE IS USUALLY TIED TO ONE'S WORK AND CERTAIN CITIES, INCLUDING BUCHAREST, ARE "CLOSED"; THAT IS, ONLY THOSE WITH NEEDED SKILLS ARE PERMITTED TO TAKE UP RESIDENCE THERE LEGALLY. FOREIGN TRAVEL TO NON-COMMUNIST COUNTRIES IS TIGHTLY CONTROLLED. WHILE ROMANIAN POLICY AND PROCEDURES CONTINUE TO DISCOURAGE EMIGRATION, IN FACT ROMANIA HAS COMPILED A RELATIVELY GOOD RECORD IN PERMITTING EMIGRATION TO COUNTRIES SUCH AS THE FEDERAL REPUBLIC OF GERMANY, ISRAEL AND THE UNITED STATES, PARTICULARLY IN FAMILY REUNIFICATION CASES, AND THE LEADERSHIP HAS PLEDGED IT WILL CONTINUE TO DEAL WITH SUCH CASES IN A HUMANITARIAN WAY IN THE FUTURE.

(C) DEMOCRATIC PROCESSES. WITHIN THE CONFINES OF A ONE-PARTY SYSTEM, ROMANIAN CITIZENS ARE ENCOURAGED TO TAKE PART IN THE POLITICAL PROCESS. ALTHOUGH THE POWER STRUCTURE IS  
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TURE IS HIGHLY CENTRALIZED, LOCAL POLITICAL ORGANIZATIONS HAVE SOME INFLUENCE IN SHAPING DECISIONS THAT AFFECT THE INDIVIDUAL. THE RIGHT TO VOTE AND SECRECY OF THE BALLOT ARE GUARANTEED. IN RECENT YEARS, THE ROMANIAN GOVERNMENT HAS INTRODUCED THE PRACTICE OF MULTIPLE CANDIDACIES FOR LOWER-LEVEL ELECTIONS, WHICH GIVES THE VOTER SOME ADDITIONAL CHOICE.

3. SOCIAL RIGHTS. THE ROMANIAN GOVERNMENT IS COMMITTED TO PROVIDING FOR THE BASIC NEEDS OF THE POPULATION FOR FOOD, SHELTER, HEALTH CARE AND EDUCATION. ABOVE THE MINIMUM LEVEL, HOWEVER, THE BEST HOUSING, HEALTH CARE, EDUCATIONAL OPPORTUNITIES AND ACCESS TO CONSUMER GOODS TEND TO FLOW TO HIGH COMMUNIST PARTY OFFICIALS AND THEIR FAMILIES. ALTHOUGH THE ROMANIAN LEADERSHIP IS ACTIVELY ATTEMPTING TO ELIMINATE BRIBERY AND CORRUPTION, PETTY BRIBERY REMAINS A COMMON, AND OFTEN NECESSARY, WAY TO OBTAIN SUCH NEEDS AS GOOD MEDICAL CARE OR IMPROVED HOUSING.

4. THE GOVERNMENT'S RESPONSIBILITY FOR ITS HUMAN RIGHTS RECORD. THE ROMANIAN GOVERNMENT STANDS BEHIND ITS HUMAN RIGHTS RECORD. LIMITATIONS ON POLITICAL FREEDOM, RESTRICTIONS ON FOREIGN TRAVEL AND EMIGRATION, DISCOURAGEMENT OF RELIGIOUS BELIEF, TIGHT INTERNAL DISCIPLINE, AND LIMITED AVAILABILITY OF CONSUMER GOODS ARE JUSTIFIED AS NECESSARY FOR THE BUILDING OF AN INDUSTRIALIZED, "MULTI-LATERALLY DEVELOPED" COMMUNIST STATE, WHICH CAN DEAL ON EQUAL TERMS WITH OTHER COUNTRIES OF THE WORLD, INCLUDING THE USSR. WHILE SOME WITHIN THE LEADERSHIP FAVOR A MORE LIBERAL INTERNAL POLICY, FOR THE MOST PART ECONOMIC SACRIFICES IMPOSED ON THE POPULATION SO FAR HAVE BEEN ACCEPTED WITH LITTLE MORE THAN GRUMBLES OF PROTEST.

5. OUTSIDE INVESTIGATION. ROMANIA STRONGLY OPPOSES ANY INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS BY CONFIDENTIAL

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OUTSIDE BODIES, PARTICULARLY IF SUCH GROUPS REPRESENT THE VIEWS OF A SINGLE OTHER COUNTRY. IT SHOULD BE NOTED, HOWEVER, THAT THE ROMANIAN GOVERNMENT DID FOR A TIME PERMIT FOREIGN CORRESPONDENTS TO INTERVIEW DISSIDENTS SUCH AS WRITER PAUL GOMA, AND ALTHOUGH THAT ACCESS HAS NOW BEEN INTERRUPTED, IT MAY BE PERMITTED SPORADICALLY IN THE FUTURE.

B. ANALYSIS AND RECOMMENDATIONS. 1. LEGITIMATE U.S.

OBJECTIVES. (A) EMIGRATION AND MARRIAGE APPROVALS. IN TERMS OF IMPORTANCE, FEASIBILITY AND LEVERAGE, IMPROVED

ROMANIAN EMIGRATION PERFORMANCE (AND THE RELATED ISSUE OF APPROVALS FOR BINATIONAL MARRIAGES) SHOULD BE OUR PRINCIPAL OBJECTIVE. OTHER COUNTRIES, PARTICULARLY WEST GERMANY, ITALY AND ISRAEL, ARE PURSUING THE SAME OBJECTIVES BILATERALLY WITH ROMANIA. THE ROMANIAN LEADERSHIP HAS ACCEPTED THE LEGITIMACY OF REQUESTS TO REUNITE DIVIDED FAMILIES AND HAS ALSO APPROVED OTHER EMIGRATION AND MARRIAGE REQUESTS ON A HUMANITARIAN BASIS, ALBEIT MORE RELUCTANTLY AND WITH GREATER DELAYS. IN PURSUIT OF THIS OBJECTIVE, MOST-FAVORED-NATION (MFN) TARIFF STATUS AND EXIMBANK CREDITS HAVE BEEN OUR MOST EFFECTIVE LEVER, SINCE ROMANIA RECEIVES MFN UNDER THE TERMS OF THE JACKSON-VANIK AMENDMENT. WE HAVE ALSO CITED THE HELSINKI FINAL ACT PROVISION ON REUNIFICATION OF DIVIDED FAMILIES, A LINK THE ROMANIANS ACCEPT. U.S. SUPPORT FOR LOANS TO ROMANIA BY INTERNATIONAL FINANCIAL INSTITUTIONS (IFIS) SUCH AS THE WORLD BANK SHOULD BE SPARINGLY USED AS A LEVER TO OBTAIN ROMANIAN APPROVAL OF EMIGRATION OR MARRIAGE REQUESTS, SINCE SUCH A POLICY WOULD CONFLICT WITH OUR POLICY OF ENCOURAGING ROMANIA'S ECONOMIC DEVELOPMENT AND ITS PARTICIPATION IN NON-COMMUNIST ECONOMIC AND FINANCIAL ORGANIZATIONS. (B) CIVIL AND POLITICAL LIBERTIES: THROUGH INSISTENT BUT PRIVATE DIPLOMATIC REPRESENTATIONS, WE HAVE URGED THE ROMANIAN GOVERNMENT

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TO RELAX THE HARSH MEASURES IT HAD RECENTLY TAKEN AGAINST A SMALL GROUP OF "DISSIDENTS," WHO HAD BEEN ADVOCATING INCREASED HUMAN RIGHTS AND RELIGIOUS FREEDOM IN ROMANIA. THESE QUIET REPRESENTATIONS APPEAR TO HAVE BEEN SUCCESSFUL, AND ALL THOSE ARRESTED IN EARLY APRIL HAVE NOW BEEN RELEASED. WE BELIEVE PRIVATE DIPLOMATIC REPRESENTATIONS, COUPLED WITH PUBLIC STATEMENTS OF THIS ADMINISTRATION'S DEEP COMMITMENT TO HUMAN RIGHTS AND BROAD RFE COVERAGE OF HUMAN RIGHTS ISSUES IN ROMANIA AND ELSEWHERE, ARE THE MOST EFFECTIVE MEANS OF GRADUALLY ENCOURAGING THE ROMANIAN LEADERSHIP TO ADOPT MORE LIBERAL INTERNAL POLICIES UNDER THE CEAUSESCU REGIME. PUBLIC CRITICISM OR THE ATTEMPT TO LINK SPECIFIC EXIMBANK CREDITS OR LOANS FROM IFIS TO ROMANIAN HUMAN RIGHTS POLICIES WOULD BE REGARDED AS INTERFERENCE IN INTERNAL AFFAIRS BY THE ROMANIAN LEADERSHIP AND WOULD BE COUNTERPRODUCTIVE. THE CONSEQUENCE MIGHT VERY WELL BE A TIGHTENING, RATHER THAN A LIBERALIZATION, OF INTERNAL POLICIES. (C) SOCIAL RIGHTS: AS EVIDENCE OF THE UNITED STATES CONCERN FOR HUMAN WELFARE, THIS COUNTRY HAS AIDED ROMANIA AFTER THREE

NATURAL DISASTERS IN THIS DECADE, MOST RECENTLY AUTHORIZING \$20 MILLION IN RELIEF AFTER THE MARCH 4, 1977 EARTHQUAKE. SUBSTANTIAL HELP WAS ALSO GRANTED AFTER THE 1970 AND 1975 FLOODS. IN ALL THREE CASES, AN ATTEMPT WAS MADE TO PROVIDE AID THAT WOULD IMMEDIATELY BENEFIT THE DISASTER

VICTIMS. IN SO DOING, WE HAVE SHOWN THAT WE ARE READY TO ACT POSITIVELY TO MEET IMMEDIATE HUMAN NEEDS, THEREBY STRENGTHENING OUR POSITION WHEN WE WISH TO ELICIT THE ROMANIAN GOVERNMENT'S COOPERATION ON HUMANITARIAN MATTERS.

2. REACTION TO THE U.S. HUMAN RIGHTS POLICY. THE ROMANIAN LEADERSHIP HAS SAID IT "SHARES PRESIDENT CARTER'S CONCERN" ABOUT HUMAN RIGHTS. ON THE OTHER HAND, THE REGIME IS CLEARLY UNEASY ABOUT THE IMPLICATIONS OF THE US'S OUTSPOKEN ADVOCACY OF HUMAN RIGHTS, COMMENTING THAT IT CONFIDENTIAL

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VERGES ON INTERFERENCE IN INTERNAL AFFAIRS. EVEN THE MODERATES IN THE ROMANIAN LEADERSHIP COULD BE EXPECTED TO RESIST TOO OVERT AN EFFORT TO MODIFY ROMANIAN DOMESTIC POLICY FROM THE OUTSIDE. THE DISSIDENTS, ON THE OTHER HAND, HAVE WELCOMED BOTH OUR GENERAL PUBLIC SUPPORT OF HUMAN RIGHTS AND RFE'S DETAILED COVERAGE OF THE CIVIL RIGHTS "MOVEMENT" IN ROMANIA.

3. SIGNIFICANT IMPROVEMENT IN THE HUMAN RIGHTS SITUATION IN ROMANIA CAN ONLY COME AS A PROCESS OF GRADUAL EVOLUTION AND AS THE LEADERSHIP GAINS ENOUGH CONFIDENCE IN ITS INTERNAL AND EXTERNAL SECURITY TO PERMIT GREATER LIBERALIZATION. AS A RESULT OF OUR RECENT DIALOGUE WITH HIGH ROMANIAN OFFICIALS ON HUMAN RIGHTS, THERE IS GOOD REASON TO BELIEVE THAT INSISTENT BUT PRIVATE REPRESENTATIONS, COUPLED WITH PUBLIC SUPPORT FOR HUMAN RIGHTS PRINCIPLES, OFFERS THE BEST HOPE OF INFLUENCING ROMANIAN POLICY. IF, HOWEVER, OUR SUPPORT FOR HUMAN RIGHTS IS SO PUBLIC AND SPECIFIC AS TO LINK THE UNITED STATES IN ROMANIAN EYES WITH THOSE WHO ARE ATTEMPTING TO UNDERMINE THE CURRENT REGIME, WE WILL ONLY STRENGTHEN THE HAND OF THE HARD-LINERS AND ENCOURAGE FURTHER TIGHTENING.

4. ROMANIA'S HUMAN RIGHTS RECORD: ROMANIA'S RECORD DOES JUSTIFY U.S. ACTION. PUBLIC LINKAGE BETWEEN ROMANIAN EMIGRATION AND MFN, IN ADDITION TO QUIET DIPLOMACY IN SUPPORT OF OTHER HUMAN RIGHTS, NEED NOT PREJUDICE THE PURSUIT OF OTHER U.S. INTERESTS. CHIEF AMONG THESE IS OUR INTEREST IN MAXIMIZING ROMANIA'S INDEPENDENCE FROM THE USSR. THIS LATTER INTEREST, HOWEVER, INCLUDES ENCOURAGEMENT FOR ROMANIA'S PARTICIPATION IN IFIS AS ONE WAY OF LESSENING ITS ECONOMIC AND COMMERCIAL DEPENDENCE ON COMMUNIST COUNTRIES AND INSTITUTIONS, AND THEREFORE ARGUES AGAINST

PRESSING THE HUMAN RIGHTS ISSUE IN THIS CONTEXT. FURTHER, CONFIDENTIAL

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A PUBLIC ATTEMPT BY THE UNITED STATES TO FORCE A CHANGE  
IN ROMANIA'S DOMESTIC POLICY MIGHT WELL SET AN EXAMPLE FOR  
THE USSR TO DO THE SAME - WHICH WOULD NOT BE IN THE US  
OR ROMANIAN INTEREST. IN ADDITION TO PRIVATE DIPLOMATIC  
EFFORTS, THEREFORE, THE UNITED STATES SHOULD ATTEMPT TO  
SHIFT THE HUMAN RIGHTS ISSUE FROM A PURELY BILATERAL TO  
AN INTERNATIONAL CONTEXT. THIS CAN BE DONE IN THE  
UN FORUM AND BY ENCOURAGING NON-GOVERNMENTAL HUMAN  
RIGHTS ORGANIZATIONS, PARTICULARLY THOSE WITH A MULTI-  
NATIONAL MEMBERSHIP, TO VOICE THEIR CONCERNS DIRECTLY  
TO THE ROMANIAN GOVERNMENT, RATHER THAN RELYING ONLY ON  
THE U.S. GOVERNMENT TO PRESS THEIR CASE. END DRAFT TEXT.  
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